

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
DAVID M. GLOVER, JUDGE

DIVISION IV

CACR07-428

February 13, 2008

CYNTHIA D. CRAWFORD
APPELLANT
V.
STATE OF ARKANSAS
APPELLEE

APPEAL FROM THE YELL
COUNTY CIRCUIT COURT
[CR-06-3 B]

HONORABLE D. FRANKLIN AREY,
III, CIRCUIT JUDGE

AFFIRMED

Appellant, Cynthia Crawford, was convicted by a Yell County jury of the offenses of robbery and arson, and she was sentenced to a total of fifteen years in the Arkansas Department of Correction for both offenses. On appeal, Crawford argues that the trial court erred in denying her motion for directed verdict for aggravated robbery because the State failed to prove that she was an accomplice to, or participated in, the crime.¹ This argument was not preserved for appellate review; therefore, we affirm.

¹We note that although Crawford was charged with aggravated robbery, she was convicted of the lesser-included offense of robbery. Furthermore, although Crawford was also convicted of arson, she does not argue on appeal that there was not sufficient evidence to support that conviction.

After the close of the State's case-in-chief, Crawford's attorney properly moved for directed verdicts with respect to the offenses of aggravated robbery and arson. These motions were denied. The motions were renewed and again denied after the defense presented its case-in-chief. However, the State called one rebuttal witness, and Crawford failed to renew her motions for directed verdict after that testimony.

Rule 33.1(a) of the Arkansas Rules of Criminal Procedure provides, "In a jury trial, if a motion for directed verdict is to be made, it shall be made at the close of the evidence offered by the prosecution and at the close of all of the evidence." If a defendant fails to renew her motion for directed verdict after the State presents rebuttal evidence, even if she renewed her motion at the close of her case-in-chief, she has not preserved the issue of the sufficiency of the evidence. *Smith v. State*, 347 Ark. 277, 61 S.W.3d 168 (2001). Because Crawford failed to renew her motion for directed verdict for aggravated robbery after the State's rebuttal witness, her sufficiency argument is not preserved for our review. Affirmed.

PITTMAN, C.J., and MILLER, J., agree.